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26/11/07

(28)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6961 of 2007

PETITIONER		Balmiki Prasad Dewangan, S/o Sita Ram Dewangan, aged about 44 years, Assistant Teacher Government Boys Primary School, Tarda, Block Kharsia, District Korba (C.G.)
		Versus
RESPONDENTS	1	State of Chhattisgarh, Through Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.)
	2	The Director, Public Instruction Department, Raipur (C.G.)
	3.	Assistant Commissioner, Tribal & Welfare Department, Korba (C.G.)
	4.	Block Education Officer, Korba, District Korba (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri K.S. Pawar, Counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(22.11.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioner submits that the issue involved in the case is as to whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the

Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioner further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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